

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UTHERVERSE GAMING *
LLC, *

Plaintiff, * CASE NO.:
vs. * 2:21-cv-00799-RSM-TLF

EPIC GAMES, INC., *
Defendant. *

* * *

VIDEOTAPED DEPOSITION OF:

MICHELE M. RILEY,
was held on Friday, June 2, 2023, commencing
at 9:07 a.m., at Morrison Foerster, 2100 L
Street, N.W., Suite 900, Washington, D.C.,
reported by Mary Grace Castleberry, RPR.

* * *

1 you didn't put that detail in the report,
2 you're not going to provide that detail at
3 trial, right?

4 A. Relating to what?

5 Q. Ephere.

6 A. I mean, anything that I'm relying
7 on Dr. Rosenberg for I've described in the
8 report.

9 Q. Okay.

10 A. Yeah, and it's -- that is -- the
11 summary as described in the report is
12 what -- is the extent of my reliance on him.

13 Q. Okay.

14 A. Yeah.

15 Q. What exactly do you recall him
16 telling you about Ephere?

17 A. That the patents-in-suit were
18 more valuable than the '962.

19 Q. Anything else?

20 A. Let's see if there's anything
21 else I listed in here. Do you know where

1 that is off the top of your head, to save
2 time?

3 Q. I believe that that's on page
4 134 --

5 A. Thank you.

6 Q. -- if memory serves.

7 A. Yeah.

8 Q. Aided by my outline.

9 A. Yeah, '962 was less valuable than
10 the technology of the patents-in-suit would
11 be to Epic at the hypothetical negotiation.

12 Q. And so to be clear, he was
13 telling you that the technology licensed to
14 Ephere -- well, let me strike that.

15 He was providing a relative value
16 opinion to you between the '962 patent,
17 which was licensed in the Ephere agreement,
18 and the asserted patents in this case,
19 right?

20 A. Yes. To that question of
21 technical comparability, this is what --

1 Q. Well --

2 A. This is --

3 Q. This was a statement about value,
4 right?

5 A. Less valuable, right.

6 Q. Less valuable, okay. Meaning
7 that the '962 patent was less valuable to
8 Epic than the asserted patents would be?

9 A. Correct.

10 Q. Do you recall anything else that
11 he told you about the Ephere agreement?

12 A. No.

13 Q. Did he tell you anything about
14 the product that had been licensed in the
15 Ephere agreement?

16 A. I don't think that we asked about
17 the product because we had the agreement.
18 We knew what it was. So that -- it was just
19 is this more or less valuable from a
20 technological comparison.

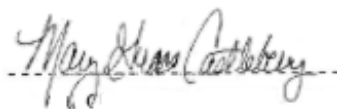
21 Q. To Epic?

CERTIFICATE OF COURT REPORTER

I, MARY GRACE CASTLEBERRY, do hereby certify that the proceedings were recorded by me stenographically and electronically at the time and place mentioned on the cover sheet thereof, and, thereafter, transcribed; that said hearing is a true record of the statements made; that I am neither counsel for, related to, nor employed by any of the parties to this proceeding;

And further, that I am not financially or otherwise interested in the outcome of this matter.

As Witnessed by my hand and signature as indicated below.

A handwritten signature in cursive script, reading "Mary Grace Castleberry", written in dark ink.

MARY GRACE CASTLEBERRY, RPR

My commission expires: 7/14/2026